

**DAL LAGO LAW**  
999 Vanderbilt Beach Road  
Suite 200  
Naples, Florida 34108  
Telephone: (239) 571-6877  
E-mail: mike@dallagolaw.com  
Michael R. Dal Lago  
New York Bar No. 3988888

*Counsel for Creditor Colonial Bldg. 3 of Naples, Inc.,  
a/k/a ESJ VII, LLC*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	)	
21 <sup>st</sup> CENTURY ONCOLOGY HOLDINGS, INC., <i>et al.</i> ,	)	Chapter 11
	)	Case No.: 17-22770 (RDD)
Debtors.	)	(Jointly Administered)
	)	

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**LIMITED OBJECTION TO DEBTORS' PROPOSED  
ASSUMPTION, OR ASSUMPTION AND ASSIGNMENT, OF UNEXPIRED  
LEASE, FILED BY COLONIAL BLDG. 3 OF NAPLES, INC., A/K/A ESJ VII, LLC**

Creditor COLONIAL BLDG. 3 OF NAPLES, INC., a/k/a ESJ VII, LLC's ("ESJ"), hereby files this Objection to the Debtors' proposed assumption (or assumption and assignment) of an unexpired lease in connection with the confirmation of the Debtors' proposed Plan<sup>1</sup>, and states as follows:

1. On November 13, 2017, the Debtors filed their Notice of Filing Plan Supplement (Doc. 678), Schedule I of which lists a lengthy schedule of Assumed Executory Contracts and

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<sup>1</sup> References to the "Plan" herein refer to the Debtors' Joint Chapter 11 Plan of Reorganization of 21st Century Oncology Holdings, Inc. and its Debtor Affiliates (as modified, amended, or supplemented).

Unexpired Leases (the “**Assumption Schedule**”). In the Assumption Schedule, the Debtors listed a Building and Land Lease with ESJ that is to be assumed by the Debtors (“**Lease**”).

2. On November 18, 2017, ESJ received a copy of the Debtors’ *Notice of (A) Executory Contracts and Unexpired Leases to Be Assumed or Assumed and Assigned by the Debtors Pursuant to the Plan (B) Cure Amounts, If Any, and (C) Related Procedures in Connection Therewith* (the “**Notice**”).

3. ESJ is not objecting to the confirmation of the Plan or the assumption (or assumption and assignment) of the Lease by the Debtors. However, the Notice states that if no cure amount is listed for a particular executory contract or unexpired lease, then the Debtors believe no cure amount is outstanding.

4. Contrary to Debtors’ belief, and the “zero dollar” cure amount that the Debtors listed in the Notice, ESJ is owed \$6,781.54 for 2016 taxes that are due under the Lease. A copy of ESJ’s invoice to the Debtors reflecting the amount due (which was previously provided to the Debtors) is annexed hereto as Exhibit A.

5. In addition to the cure amount of \$6,781.54 referenced above, ESJ is also entitled to reasonable attorneys fees that have been incurred under the Lease. These attorneys’ fees amount to \$2,000.

6. In sum, the total cure amount owed to ESJ is \$8,781.54.

7. Because the Debtors seemingly intend to avoid payment of this cure amount, ESJ objects to the assumption (or assumption and assignment) of the Lease.

Dated: November 27, 2017

Respectfully submitted,

**DAL LAGO LAW**

/s/ Michael R. Dal Lago  
MICHAEL R. DAL LAGO

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999 Vanderbilt Beach Road  
Suite 200  
Naples, Florida 34108  
Telephone: (239) 571-6877  
E-mail: mike@dallagolaw.com

*Counsel for Creditor, Colonial Bldg. 3 of  
Naples, Inc. a/k/a ESJ VII, LLC*

**CERTIFICATE OF SERVICE**

I CERTIFY that on this 27<sup>th</sup> day of November, 2017 a true and correct copy of the foregoing was served electronically through the Court's CM/ECF Noticing system on all parties registered for electronic service including **Counsel for the Debtor, Christopher Marcus, Esq. and John Thomas Weber, Esq.**, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022; and **United States Trustee**, Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Room 1006, New York, NY 10014.

*/s/ Michael R. Dal Lago*  
MICHAEL R. DAL LAGO  
New York Bar No. 3988888

# **EXHIBIT A**

**Colonial Bldg. 3 of Naples, Inc.**  
c/o KOVA Property Management, LLC, PO Box 110876  
Naples, FL, 34108

**Statement**

<b>Account</b>	colo3 102 esj
<b>Prop Name</b>	Colonial Building 3 Condominium
<b>Assigned</b>	102
<b>Date</b>	3/24/2017
<b>Payment</b>	\$ _____

ESJ VII, LLC  
2485 Lantern Lane  
Naples, FL 34102

Date	Description	Unit	Ctrl	Charges	Payments	Balance
01/01/2017	Association Fees (01/2017)	102	C-142125	5,639.96		5,639.96
01/01/2017	Reserves (01/2017)	102	C-142126	1,392.02		7,031.98
01/05/2017	Chk# 014906 - :CHECKscan Payment		R-41408		7,031.98	0.00
03/21/2017	1Q Revised Billing	102	C-145968	204.64		204.64
03/21/2017	1Q Revised Billing	102	C-145969	-72.00		132.64
04/01/2017	Association Fees (04/2017)	102	C-147162	5,844.60		5,977.24
04/01/2017	Reserves (04/2017)	102	C-147163	1,320.02		7,297.26

30 Days	31-60 Days	61-90 Days	Above 90 Days	Amount Due
54.62	132.64	0.00	0.00	7,297.26